
(2013) 02 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : CRM No. M-16268 of 2012 (O and M)

Mandeep Singh @ Manpreet Singh @ Manna and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 18-02-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 326

Citation : (2013) 02 P&H CK 0084

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Ashwani Sharma in CRM No. M-16268 of 2012 and Mr. Sanjeev Patiyal in CRM No. M-4011 of 2013, for the Appellant; Raj Preet Singh Sidhu, Asstt. Advocate General, Punjab, for Respondent No. 1-State, Mr. Ashwani Sharma, Advocate for Respondent Nos. 2 to 4 in CRM No. M-4011 of 2013 and Mr. Sanjeev Patiyal, Advocate for Respondent Nos. 2 to 4 in CRM No. M-16268 of 2012, for the Respondent

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—As, identical questions of law and facts are involved, therefore, I propose to decide the above indicated petitions bearing CRM No. M-16268 of 2012(for brevity "the 1st case") and CRM No. M-4011 of 2013(for short "the 2nd case"), arising out of the same cross-case/ incident/, by means of this common judgment, in order to avoid the repetition. The contour of the facts and material, culminating in the commencement, relevant for disposal of the instant petitions and emanating from the record is that, initially in the wake of complaint of complainant-Charanjit Singh son of Devinder Singh, respondent No. 2 (for brevity "the complainant in the 1st case"), a criminal case was registered against the petitioners-accused Mandeep Singh @ Manpreet Singh @ Manna son of Harvinder Singh and others, for having caused injuries to the complainant, Simar Pal Singh and Gurjodh Singh (respondent Nos. 3 & 4), by way of FIR No. 397 dated 29.09.2009 (Annexure P-1), on accusation of having committed the

offences punishable under Sections 324, 323, 148 and 149 IPC, by the police of Police Station Kharar, District Mohali.

2. Sequelly, the prosecution claimed that during the course of same incident/ occurrence, Charanjit Singh, Simar Pal Singh and Gurjodh Singh, have also inflicted injuries to Ranjit Singh @ Chhina, Mandeep Singh @ Manpreet Singh and Harvinder Singh @ Jina, with their respective weapons. Therefore, on the statement(Annexure P-1) of complainant-Ranjit Singh @ Chhina son of Dharam Singh, respondent No. 2(for short "the complainant in the 2nd case"), a cross criminal case was also registered against the petitioners-accused Simar Pal Singh son of Narinder Singh and others, for the commission of offences punishable under Sections 324, 323, 326 and 34 IPC, vide same FIR and by the police of same Police Station Kharar, District Mohali.

3. After completion of the investigation of both the cross criminal cases, the police submitted the final police reports(challan). The petitioners-accused were accordingly charge-sheeted for the commission of the pointed offences by the trial court and the cases were slated for evidence of the prosecution.

4. During the pendency of the criminal cases, good sense prevailed and the parties have amicably settled their disputes, by virtue of compromise dated 26.09.2011 and 24.09.2011(Annexures P-2 & P-3) in both the cases.

5. Having compromised the matter, now the petitioners-accused in both the cross-cases, have preferred the present petitions, to quash the impugned FIR/ statement(Annexure P-1) and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr. P.C., inter alia, pleading that now with the intervention of respectables members of the society and mediators, they have amicably settled their disputes, to maintain peace and harmony between them. They have realized their mistakes and redressed their grievances vide compromise(Annexures P-2 and P-3). The complainants do not want to further pursue the litigation. They have no objections, if both the respective criminal cross-cases registered against each other are quashed. On the strength of aforesaid grounds, the petitioners-accused in both the cases, sought to quash the impugned FIR/statement(Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner depicted hereinabove.

6. During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise, between them, by this Court, by means of order dated October 30, 2012.

7. In compliance thereof, the trial Court, having recorded the statements of all the concerned parties in both the criminal cases, concluded vide its reports dated 01.12.2012 that they have amicably settled their disputes with their free will and without any kind of pressure, influence or coercion. The compromise are voluntarily and genuine.

8. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes, through the medium of compromise dated 26.09.2011 and 24.09.2011(Annexures P-2 & P-3) in both the cases. The factum of compromise is also reiterated in the reports of the trial Court.

9. What cannot possibly be disputed here is that, the law with regard to the settlement of criminal disputes by virtue of amicable settlement between the parties is no more *res integra* and is now well-settled.

10. An identical question (recently) came to be decided by the Hon''ble Apex Court in case *Gian Singh Vs. State of Punjab and Another*, . Having interpreted the relevant provisions and considered a line of the judgments on the indicated points, it was ruled (para 57) as under:-

57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences u/s 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc., cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or

continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

11. Such, thus, being the legal position and the material on record, now the short and significant question, though important, that arises for determination in these petitions is, as to whether the present criminal prosecution against the petitioners-accused deserves to be quashed in view of the compromise or not?

12. Having regard to the contentions of the learned counsel for the parties, to my mind, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, their learned counsel are ad idem that, in view of the settlement of disputes between the parties, the present petitions deserve to be accepted in this context.

13. As is evident from the record that, in both the cross-cases, the parties have amicably settled their disputes with the intervention of respectables of the society and friends, with their free will and without any kind of pressure or coercion, by virtue of compromise dated 26.09.2011 and 24.09.2011(Annexures P-2 & P-3) in both the cases. They have redressed their grievances. They want to live peacefully in future. The complainants do not want to further pursue the matter. They have no objection if both the criminal cross-cases registered against each other are quashed. The factum and genuineness of the compromise between the parties is also reiterated by the trial Court in its indicated reports.

14. Thus, it would be seen that since, the compromise is in the welfare and interest of both the parties, so, there is no impediment in translating their wishes into reality and to quash the criminal prosecution to set the matter at rest, to enable them to live in peace and to enjoy the life and liberty in a dignified manner. Therefore, to me, the ratio of the law laid down and the bench-mark set out by the Hon''ble Supreme Court in Gian Singh's case(supra), "mutatis mutandis" is attracted to the facts of the present cases and is the complete answer to the problem in hand. Sequelly, the impugned FIR/statement(Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in the obtaining circumstances of the case. In the light of aforesaid reasons, the instant petitions are accepted. Consequently, the impugned FIR/statement(Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly acquitted of the charges framed against them in both the indicated criminal cross-cases.